



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

					
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/768,629	01/25/2001	Manabu Hyodo	0879-0297P	3561	
2292 7	590 06/04/2004		EXAM	EXAMINER	
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PO BOX 747 FALLS CHUR	CH, VA 22040-0747		ART UNIT PAPER NUMBER		
	,		2612	5	
			DATE MAILED: 06/04/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Comments	09/768,629	HYODO ET AL.				
Office Action Summary	Examiner	Art Unit				
	Justin P Misleh	2612				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on	_•					
2a) ☐ This action is FINAL . 2b) ☑ This	•					
•	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) 1 - 17 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1 - 17 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on <u>25 January 2001</u> is/are:		•				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152) Other:						
S. Patent and Trademark Office						

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1, 2, 6, 7, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Windle.
- 3. For Claim 1, Windle discloses, as shown in figures 2 7 and as stated in columns 4 (lines 38 –43), 5 (lines 42 49), 6 (lines 1 37 and 49 58), 7 (lines 22 32 and 44 67), and 8 (lines 23 28), a composition assist frame (template) selecting method for a digital camera (202) that images a subject in a shooting mode selected from a plurality of shooting modes (Landscape, Panoramic, Portrait; see column 4, lines 38 43, column 5, lines 42 49, and column 6, lines 9 17) and displays a composition assist frame (see figure 7 corresponding to a Portrait Mode) selected from a plurality of composition assist frames (see figures 4 7) on an image displaying device (203) that displays the image of the subject (201) to assist composition, wherein: the digital camera (202) extracts at least one composition assist frame that can be selected from the plurality of composition assist frames according to the shooting mode (see column 6, lines 9 17).

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4. As for Claim 2, Windle discloses, as shown in figure 3, the composition assist frame (template) selecting method for the digital camera (202) as defined in Claim 1, wherein the plurality of shooting modes (Landscape, Panoramic, Portrait; see column 4, lines 38 – 43, column 5, lines 42 – 49, and column 6, lines 9 – 17) include at least two of an automatic shooting mode, a day scenic shooting mode (Landscape template), a person shooting mode (Portrait template) and a night scenic shooting mode.

5. For Claim 6, Windle discloses, as shown in figures 2 – 7 and as stated in columns 4 (lines 38 –43), 5 (lines 42 – 49), 6 (lines 1 – 37 and 49 – 58), 7 (lines 22 – 32 and 44 – 67), and 8 (lines 23 – 28), a digital camera (202) comprising:

a shooting mode selecting device (205) that selects a shooting mode from a plurality of shooting modes (Landscape, Panoramic, Portrait; see column 4, lines 38 – 43, column 5, lines 42 – 49, and column 6, lines 9 – 17);

an imaging device (202) that images a subject (201) in the shooting mode selected by the shooting mode selecting device (205) and outputs image signals;

an image displaying device (203) that displays the image according to the image signals outputted from the imaging device (see figures 2-7);

a storing device (103/108; see figure 1) that stores data of a plurality of composition assist frames (see column 4, lines 38-43);

an extracting device (104; see figure 1 and column 4, lines 38 - 43) that extracts one or more composition assist frames (Landscape template, Panoramic template, Portrait template) that can be selected from the plurality of composition assist frames according to the shooting mode selected by the shooting mode selecting device (see figure 3 and see column 6, lines 9 - 17);

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a composition assist frame selecting device (104; see figure 1 and column 4, lines 38 – 43) that selects a composition assist frame from the composition assist frames extracted by the extracting device; and

a composition assist frame displaying device (203) that displays the composition assist frame selected by the composition assist frame selecting device on the image displaying device displaying the image (see figure 3).

- 6. As for Claim 7, Windle discloses, as shown in figure 3, the composition assist frame (template) selecting method for the digital camera (202) as defined in Claim 1, wherein the plurality of shooting modes (Landscape, Panoramic, Portrait; see column 4, lines 38 43, column 5, lines 42 49, and column 6, lines 9 17) include at least two of an automatic shooting mode, a day scenic shooting mode (Landscape template), a person shooting mode (Portrait template) and a night scenic shooting mode.
- 7. As for Claim 10, Windle discloses, as shown in figure 1 and as stated in column 4 (lines 25 32), the digital camera (202) as defined in Claim 6, further comprising a storage device (image recorder) that stores the image signals outputted from the imaging device (202) in a storage medium (output via the output interface 102 such as digital video recorders and/or image recording devices).
- 8. Claims 3, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Maehama et al.
- 9. For Claim 3, Maehama et al. disclose, as shown in figures 1 –5, a composition assist frame selecting method for a digital camera that displays a composition assist frame (see figure 3

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column 5, line 1).

and column 5, lines 37 – 51) selected from a plurality of composition assist frames (created from figures 4 and 5; see column 5, lines 52 – 67, and column 6, lines 1 – 9) on an image displaying device (see figures 2 and 3) that displays an image of a subject (imaging region 13) to assist composition (composition at least includes light-metering and distance-measurement), wherein: the digital camera (see figure 1) has a direction determining device (posture detector 9) that determines whether the digital camera is held widthwise or lengthwise (see column 4, lines 45 – 64); and the digital camera (see figure 1) extracts at least one composition assist frame (either figure 4 or 5) that can be selected from the plurality of composition assist frames (created from figures 4 and 5; see column 5, lines 52 – 67, and column 6, lines 1 – 9) according to the direction of the camera determined by the direction determining device (see column 4, lines 65 – 67, and

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10. For Claim 11, Maehama et al. disclose, as shown in figures 1 - 5, a digital camera (see figure 1) comprising:

an imaging device (image sensor 7) that images a subject and outputs image signals; an image displaying device (see figures 3-4) that displays the image according to the image signals outputted (imaging region 13) from the imaging device (7);

a storing device (calculator 4; see column 5, lines 2-9) that stores data of a plurality of composition assist frames (calculator 4 stores the composition assist frames shown in figures 4 and 5 and then selects them according to the result from the posture detector 9; see column 5, lines 52-67, and column 6, lines 1-9);

a direction determining device (posture detector 9) that determines whether the digital camera (see figure 1) is held widthwise or lengthwise;

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an extracting device (calculator 4) that extracts one or more composition assist frames that can be selected from the plurality of composition assist frames according to the direction of the camera determined by the direction determining device (see column 5, lines 2-9);

a composition assist frame selecting device (calculator 4) that selects a composition assist frame (either figures 4 or 5) from the composition assist frames extracted by the extracting device (calculator 4); and

a composition assist frame displaying device (see figures 2 and 3) that displays the composition assist frame selected by the composition assist frame selecting device on the image displaying device displaying the image (see column 4, lines 65 – 67, and column 5, line 1).

11. As for Claim 12, Maehama et al. do not specifically show a storage device that stores the image signals outputted from the imaging device in a storage medium; however, the Examiner believes a storage medium for the storing the image signals outputted from the imaging device is inherent. It would be impossible to display the images and corresponding composition assist frames according to figures 2 and 3 without the image signal passing through a buffer or at least a temporary memory, both which correspond to a storage medium.

Claim Rejections - 35 USC § 103

- 12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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13. Claims 4, 5, 13, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windle in view of Maehama et al.

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14. For Claim 4, Windle discloses, as shown in figures 2 – 7 and as stated in columns 4 (lines 38 –43), 5 (lines 42 – 49), 6 (lines 1 – 37 and 49 – 58), 7 (lines 22 – 32 and 44 – 67), and 8 (lines 23 – 28), a composition assist frame (template) selecting method for a digital camera (202) that images a subject in a shooting mode selected from a plurality of shooting modes (Landscape, Panoramic, Portrait; see column 4, lines 38 – 43, column 5, lines 42 – 49, and column 6, lines 9 – 17) and displays a composition assist frame (see figure 7 corresponding to a Portrait Mode) selected from a plurality of composition assist frames (see figures 4 – 7) on an image displaying device (203) that displays the image of the subject (201) to assist composition, wherein: the digital camera (202) extracts at least one composition assist frame that can be selected from the plurality of composition assist frames according to the shooting mode (see column 6, lines 9 – 17).

However, Windle do not disclose a method including a direction determining device that determines whether the digital camera is held widthwise or lengthwise and wherein an extracting device that extracts one or more composition assist frames that can be selected from the plurality of composition assist frames according to the direction of the camera determined by the direction determining device.

On the other hand, Maehama et al. also disclose a method including a digital camera comprising a plurality of composition assist frames. More specifically, Maehama et al. disclose, as shown in figures 1 - 5 and as stated in columns 4 (lines 45 - 67), 5 (lines 1 and 37 - 67), and 6 (lines 1 - 9), a digital camera that displays a composition assist frame (see figure 3) selected

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from a plurality of composition assist frames (created from figures 4 and 5) on an image displaying device (see figures 2 and 3) that displays an image of a subject (imaging region 13) to assist composition (composition at least includes light-metering and distance-measurement), wherein the digital camera (see figure 1) has a direction determining device (posture detector 9) that determines whether the digital camera is held widthwise or lengthwise (see column 4, lines 45 – 64) and the digital camera (see figure 1) extracts at least one composition assist frame (either figure 4 or 5) that can be selected from the plurality of composition assist frames (created from figures 4 and 5) according to the direction of the camera determined by the direction determining device.

As stated in columns 3 (lines 5 – 11) and 6 (lines 27 – 38), at the time the invention was made, one with ordinary skill in the art would have been motivated to include a method including a camera direction detecting device and an extracting device to extract a composition assist frame according the direction result from the detecting device, as taught by Maehama et al., in the digital camera method including a plurality composition assist frames, disclosed by Windle, as a means to assist in generating an image with high contrast, minimal foreground/background interference, and enhanced distance measurement/auto focus accuracy. Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill to include a method including a camera direction detecting device and an extracting device to extract a composition assist frame according the direction result from the detecting device, as taught by Maehama et al., in the digital camera method including a plurality composition assist frames, disclosed by Windle.

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15. As for Claim 5, Windle discloses, as shown in figure 3, the composition assist frame (template) selecting method for the digital camera (202) as defined in Claim 1, wherein the plurality of shooting modes (Landscape, Panoramic, Portrait; see column 4, lines 38 – 43, column 5, lines 42 – 49, and column 6, lines 9 – 17) include at least two of an automatic shooting mode, a day scenic shooting mode (Landscape template), a person shooting mode (Portrait template) and a night scenic shooting mode.

16. For Claim 13, Windle discloses, as shown in figures 2-7 and as stated in columns 4 (lines 38-43), 5 (lines 42-49), 6 (lines 1-37 and 49-58), 7 (lines 22-32 and 44-67), and 8 (lines 23-28), a digital camera (202) comprising:

a shooting mode selecting device (205) that selects a shooting mode from a plurality of shooting modes (Landscape, Panoramic, Portrait; see column 4, lines 38 - 43, column 5, lines 42 - 49, and column 6, lines 9 - 17);

an imaging device (202) that images a subject (201) in the shooting mode selected by the shooting mode selecting device (205) and outputs image signals;

an image displaying device (203) that displays the image according to the image signals outputted from the imaging device (see figures 2-7);

a storing device (103/108; see figure 1) that stores data of a plurality of composition assist frames (see column 4, lines 38 - 43);

an extracting device (104; see figure 1 and column 4, lines 38 – 43) that extracts one or more composition assist frames (Landscape template, Panoramic template, Portrait template) that can be selected from the plurality of composition assist frames according to the shooting mode selected by the shooting mode selecting device (see figure 3 and see column 6, lines 9 – 17);

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a composition assist frame selecting device (104; see figure 1 and column 4, lines 38 – 43) that selects a composition assist frame from the composition assist frames extracted by the extracting device; and

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a composition assist frame displaying device (203) that displays the composition assist frame selected by the composition assist frame selecting device on the image displaying device displaying the image (see figure 3).

However, Windle do not disclose a direction determining device that determines whether the digital camera is held widthwise or lengthwise and wherein an extracting device that extracts one or more composition assist frames that can be selected from the plurality of composition assist frames according to the direction of the camera determined by the direction determining device.

On the other hand, Maehama et al. also disclose a digital camera comprising a plurality of composition assist frames. More specifically, Maehama et al. disclose, as shown in figures 1 – 5 and as stated in columns 4 (lines 45 – 67), 5 (lines 1 and 37 – 67), and 6 (lines 1 – 9), a digital camera that displays a composition assist frame (see figure 3) selected from a plurality of composition assist frames (created from figures 4 and 5) on an image displaying device (see figures 2 and 3) that displays an image of a subject (imaging region 13) to assist composition (composition at least includes light-metering and distance-measurement), wherein the digital camera (see figure 1) has a direction determining device (posture detector 9) that determines whether the digital camera is held widthwise or lengthwise (see column 4, lines 45 – 64) and the digital camera (see figure 1) extracts at least one composition assist frame (either figure 4 or 5)

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that can be selected from the plurality of composition assist frames (created from figures 4 and 5) according to the direction of the camera determined by the direction determining device.

As stated in columns 3 (lines 5 – 11) and 6 (lines 27 – 38), at the time the invention was made, one with ordinary skill in the art would have been motivated to include a camera direction detecting device and an extracting device to extract a composition assist frame according the direction result from the detecting device, as taught by Maehama et al., in the digital camera including a plurality composition assist frames, disclosed by Windle, as a means to assist in generating an image with high contrast, minimal foreground/background interference, and enhanced distance measurement/auto focus accuracy. Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill to include a camera direction detecting device and an extracting device to extract a composition assist frame according the direction result from the detecting device, as taught by Maehama et al., in the digital camera including a plurality composition assist frames, disclosed by Windle.

- 17. As for Claim 14, Windle discloses, as shown in figure 3, the composition assist frame (template) selecting method for the digital camera (202) as defined in Claim 1, wherein the plurality of shooting modes (Landscape, Panoramic, Portrait; see column 4, lines 38 43, column 5, lines 42 49, and column 6, lines 9 17) include at least two of an automatic shooting mode, a day scenic shooting mode (Landscape template), a person shooting mode (Portrait template) and a night scenic shooting mode.
- 18. As for Claim 17, Windle discloses, as shown in figure 1 and as stated in column 4 (lines 25 32), the digital camera (202) as defined in Claim 6, further comprising a storage device (image recorder) that stores the image signals outputted from the imaging device (202) in a

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storage medium (output via the output interface 102 such as digital video recorders and/or image recording devices).

- 19. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windle in view of Kyuma et al.
- 20. As for Claim 8, Windle discloses a digital camera comprising a shooting mode selecting device that selects a shooting mode from a plurality of shooting modes and a an extracting device that extracts one or more composition assist frames that can be selected from the plurality of composition assist frames according to the shooting mode selected by the shooting mode selecting device. However, Windle does not disclose a luminance determining device that determines subject luminance by weighting areas of the image according to the shooting mode selected by the shooting mode selecting device, the imaging device controlling exposure according to the subject luminance determined by the luminance determining device.

On the other hand, Kyuma et al. also disclose a digital camera comprising a shooting mode selecting device that selects a shooting mode from a plurality of shooting modes. More specifically, Kyuma et al. disclose, as shown in figures 3 and 6 – 8 and as stated in columns 6 (lines 12 – 28 and 43 – 62), 7 (lines 11 – 15), and 10 (lines 7 – 46), a digital camera (see figure 3) comprising a luminance determining device (Lookup tables 19a, 19b, and 19c and CPU 25) that determines subject luminance by weighting areas (see figure 6 – 8; figure 8 corresponds to a landscape photography mode) of the image according to the shooting mode (from among plurality of shooting modes; see column 6, lines 43 – 56) selected by the shooting mode selecting device, the imaging device controlling exposure according to the subject luminance determined

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by the luminance determining device (see column 6, lines 57 – 62). As stated in column 2 (lines 8 – 35), at the time the invention was made, one with ordinary skill in the art would have been motivated to include a luminance determining device that determines subject luminance by weighting areas of the image according to the shooting mode, as taught by Kyuma et al., in the digital camera, disclosed by Windle, as a means to provide an optimal photographing operation correspond to all photographing environments at all times. Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included a luminance determining device that determines subject luminance by weighting areas of the image according to the shooting mode, as taught by Kyuma et al., in the digital camera, disclosed by Windle.

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- 21. As for Claim 9, Kyuma et al. disclose, as stated in columns 6 (lines 57 62) and 9 (lines 28 35), wherein the luminance determining device corrects the subject luminance according to the shooting mode selected by the shooting mode selecting device.
- 22. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windle in view of Kyuma et al.
- 23. As for Claim 15, Windle in view of Maehama et al. teach a digital camera comprising a shooting mode selecting device that selects a shooting mode from a plurality of shooting modes and a an extracting device that extracts one or more composition assist frames that can be selected from the plurality of composition assist frames, at least, according to the shooting mode selected by the shooting mode selecting device. However, Windle in view of Maehama et al. do not teach a luminance determining device that determines subject luminance by weighting areas

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of the image according to the shooting mode selected by the shooting mode selecting device, the imaging device controlling exposure according to the subject luminance determined by the luminance determining device.

On the other hand. Kyuma et al. also disclose a digital camera comprising a shooting mode selecting device that selects a shooting mode from a plurality of shooting modes. More specifically. Kyuma et al. disclose, as shown in figures 3 and 6 – 8 and as stated in columns 6 (lines 12-28 and 43-62), 7 (lines 11-15), and 10 (lines 7-46), a digital camera (see figure 3) comprising a luminance determining device (Lookup tables 19a, 19b, and 19c and CPU 25) that determines subject luminance by weighting areas (see figure 6 - 8, figure 8 corresponds to a landscape photography mode) of the image according to the shooting mode (from among plurality of shooting modes; see column 6, lines 43 – 56) selected by the shooting mode selecting device, the imaging device controlling exposure according to the subject luminance determined by the luminance determining device (see column 6, lines 57 – 62). As stated in column 2 (lines 8-35), at the time the invention was made, one with ordinary skill in the art would have been motivated to include a luminance determining device that determines subject luminance by weighting areas of the image according to the shooting mode, as taught by Kyuma et al., in the digital camera, taught by Windle in view of Maehama et al., as a means to provide an optimal photographing operation correspond to all photographing environments at all times. Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included a luminance determining device that determines subject luminance by weighting areas of the image according to the shooting mode, as taught by Kyuma et al., in the digital camera, taught by Windle in view of Maehama et al.

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24. As for Claim 16, Kyuma et al. disclose, as stated in columns 6 (lines 57 - 62) and 9 (lines 28 - 35), wherein the luminance determining device corrects the subject luminance according to the shooting mode selected by the shooting mode selecting device.

Conclusion

- 25. The prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure. The following is brief description of the cited prior art:
 - O US 5,687,408, US 5,873,007 and US 5,732,298 all disclose, in the very least, a camera comprising a viewfinder including a display (either electronic or optical) wherein a composition assist frame is extracted from among a plurality of composition assist frames and shown in the viewfinder. The composition assist frames are manually selected by a user, according to preference, rather than according to operation mode of the camera.
 - O US 5,499,074 disclose a camera comprising a direction determining device wherein detection regions for photometric operations within an image plane are changed to correspond with the attitude of the camera as determined by the direction determining device.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:30 PM and on alternating Fridays from 7:30 AM to 4:30 PM.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM June 1, 2004

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